

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Lavern Gause, # 187891, <i>aka</i> Lavern Gauze,)	C/A No. 8:11-CV-0257-JMC-JDA
)	
)	
Plaintiff,)	
)	
)	
vs.)	
)	
State of South Carolina;)	ORDER
Mayor of Bishopville;)	
Appellate Court;)	
Sally Elliot, <i>Attorney General</i> ;)	
Lieber Death Row;)	
Governor;)	
U.S. Supreme Court;)	
President Obama, <i>All in individual and official capacity</i> ,)	
)	
)	
Defendants.)	
)	

This is a civil rights action brought by a state prisoner. In the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). In an order filed in *Spencer Utsey*, # 192660; and *Lavern Gause*, # 187891; and *Clifton Singletary*, # 217943 *v. State of South Carolina, et al.*, Civil Action No. 2:11-0113-JMC-RSC, the Honorable Robert S. Carr, United States Magistrate Judge, directed the Clerk of Court to terminate Plaintiff Gause and Plaintiff Singletary as plaintiffs and directed the Clerk of Court to assign separate civil action numbers to address

the claims of those two co-plaintiffs. The above-captioned case is the civil action to address the claims of Lavern Gause (*aka* Lavern Gauze).

This matter is before the Court because of Plaintiff's failure to comply with the magistrate judge's order (ECF No. 7) of February 10, 2011. A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into "proper form" within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Plaintiff has failed to respond to the magistrate judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.

March 16, 2011
Greenville, South Carolina

s/J. Michelle Childs
United States District Judge

*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).